

AMENDED IN SENATE APRIL 7, 2010

**SENATE BILL**

**No. 920**

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**Introduced by Senator Yee**

**(Coauthors: Senators DeSaulnier and Wiggins)**

*(Coauthors: Assembly Members Blumenfeld, Brownley, Jones, and Salas)*

February 1, 2010

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An act to add Section 2887 to the Public Utilities Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 920, as amended, Yee. Alphabetical telephone directories: distribution.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law provides that, unless certain determinations are made by the commission about the impact of federal action, the commission has no jurisdiction or control over classified telephone directories (commonly known as yellow pages) or commercial advertising included as part of a telephone corporation's alphabetical telephone directories (commonly known as white pages). Existing law requires the commission to require all telephone corporations that are local exchange carriers to include in their telephone directory information concerning emergency situations that may affect the telephone network.

This bill would ~~prohibit a telephone corporation from distributing an alphabetical telephone directory to a subscriber unless that subscriber affirmatively elects to receive the directory.~~ *require a telephone corporation or third-party vendor, as defined, to allow a telephone service customer to opt out of receiving an alphabetical telephone*

directory, as prescribed. The bill would require those entities to comply with certain other requirements regarding directory recycling and recycled content.

Under existing law, a violation of the Public Utilities Act or an order or direction of the commission is a crime. Because this bill would require an order or other action of the commission to implement its provisions and a violation of that order or action would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 2887 is added to the Public Utilities Code,
- 2 to read:
- 3 ~~2887. A telephone corporation shall not distribute an~~
- 4 ~~alphabetical telephone directory to a subscriber unless that~~
- 5 ~~subscriber affirmatively elects to receive the directory.~~
- 6 2887. (a) As used in this section, “third-party vendor” means
- 7 a third-party directory vendor that publishes subscriber telephone
- 8 or address information, or both, in an alphabetical telephone
- 9 directory distributed to residents and telephone service customers
- 10 in this state.
- 11 (b) The commission shall require any telephone corporation or
- 12 third-party vendor to do all of the following:
- 13 (1) Allow a telephone service customer to opt out of receiving
- 14 an alphabetical telephone directory published by the telephone
- 15 corporation or third-party vendor.
- 16 (2) For a third party vendor, honor any opt out request made
- 17 directly to the telephone corporation from which that vendor
- 18 obtains subscriber information.

1     (3) *The request to opt out shall remain in effect until the*  
2 *customer requests to resume receiving alphabetical telephone*  
3 *directories.*

4     (4) *Provide a telephone number or Internet Web site address,*  
5 *or both, on the front cover of all alphabetical telephone directories*  
6 *for a customer to use to request not to have telephone directories*  
7 *delivered. The following text shall appear on the cover of all*  
8 *published alphabetical telephone directories:*

9  
10     *TO DISCONTINUE DELIVERY OF TELEPHONE*  
11 *DIRECTORIES, OR TO RECYCLE AN OLD DIRECTORY,*  
12 *PLEASE CALL [telephone number] OR VISIT [Internet Web site].*  
13

14     (5) *Ensure that alphabetical telephone directories are recyclable*  
15 *with newsprint or mixed paper, and do not use a binding or other*  
16 *contaminant that would render the directories nonrecyclable.*

17     (6) *Provide access via telephone or Internet Web site to*  
18 *information about specific recycling programs for telephone*  
19 *directories in or near the community in which the alphabetical*  
20 *telephone directory was delivered. A telephone corporation or*  
21 *third-party vendor may meet this requirement by providing a*  
22 *telephone number or Internet Web site address for a local*  
23 *government or private recycler that has agreed to provide directory*  
24 *recycling in a community.*

25     (7) *Demonstrate participation in a program or organization to*  
26 *promote the recycling of telephone directories in this state.*

27     (8) *Demonstrate compliance with newsprint recycled content*  
28 *law.*

29     *SEC. 2. No reimbursement is required by this act pursuant to*  
30 *Section 6 of Article XIII B of the California Constitution because*  
31 *the only costs that may be incurred by a local agency or school*  
32 *district will be incurred because this act creates a new crime or*  
33 *infraction, eliminates a crime or infraction, or changes the penalty*  
34 *for a crime or infraction, within the meaning of Section 17556 of*  
35 *the Government Code, or changes the definition of a crime within*  
36 *the meaning of Section 6 of Article XIII B of the California*  
37 *Constitution.*